

# United States District Court

Eastern District of Missouri

UNITED STATES OF AMERICA

v.

P & S FOODS

## JUDGMENT IN A CRIMINAL CASE

CASE NUMBER: 3S-4:02CR529 CDP

Case Number:

USM Number: None

### THE DEFENDANT ORGANIZATION:

CONNIE MCFARLAND BUTLER

Defendant's Attorney

☒ pleaded guilty to count(s) Four and Five of the Third Superseding Information by Peter J. Sarandos, President

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty

The organizational defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 USC 601(m)(4), 610 (d), and 676(a)	Violation of the Federal Meat Inspection Act	1/31/2000	Four
		7/18/2001	Five

The defendant organization is sentenced as provided in pages 2 through 5 of this judgment.

☐ The defendant organization has been found not guilty on count(s) \_\_\_\_\_

☒ Count(s) all previous indictments and information in this case are dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal businesses address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's  
Federal Employer I.D. No.: 43-1018135

Defendant Organization's Principal Business Address:

6633 Vernon

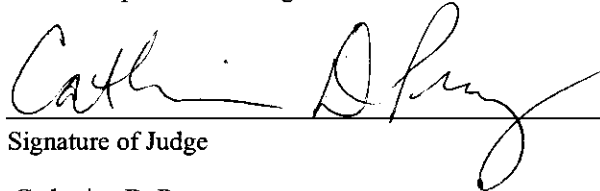
St. Louis, MO 63130

Defendant Organization's Mailing Address:

Same as above

March 26, 2004

Date of Imposition of Judgment



Signature of Judge

Catherine D. Perry

United States District Judge

Name & Title of Judge

March 26, 2004

Date signed

DEFENDANT ORGANIZATION: P & S FOODS

CASE NUMBER: 3S-4:02CR529 CDP

District: Eastern District of Missouri

## PROBATION

The defendant organization is hereby placed on probation for a term of Three Years.

This term consists of terms of probation of three years on each of counts four and five, all such terms to run concurrently.

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

The Court waives the standard conditions of probation.

## STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organization's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

DEFENDANT ORGANIZATION: P & S FOODS

CASE NUMBER: 3S-4:02CR529 CDP

District: Eastern District of Missouri

### SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall comply with all federal, state, and local laws and regulations.
2. The defendant shall make restitution in the total amount of \$211.32 to: (1) Donna Person, who lost \$151.32, (2) Betty Shelby, who lost \$10.00 and (3) Linda Russell, who lost \$50.00. Payments of Restitution are to be made to the Clerk of the Court for transfer to the victims. Restitution shall be paid in full immediately.
3. The defendant, P & S Foods, inc., any any business owned, operated, or controlled by the current owners and officers of P & S Foods, Inc., and that holds, prepares, packages, or sells meat or meat products, or poultry products, or poultry or poultry products, shall implement and adhere to, for a term of three years following the date of sentencing, a program of food safety compliance approved by an independent and recognized food safety company or institution, acceptable to the Office of the United States Attorney for the Eastern District of Missouri.

The Court waives the standard conditions of probation.

DEFENDANT ORGANIZATION: P & S FOODSCASE NUMBER: 3S-4:02CR529 CDPDistrict: Eastern District of Missouri**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on sheet 6

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	<u>\$250.00</u>	<u>\$95,000.00</u>	<u></u>

☐ The determination of restitution is deferred until \_\_\_\_\_ . *An Amended Judgment in a Criminal Case (AO 245C)*  
will be entered after such a determination.

☐ The defendant organization shall make restitution, payable through the Clerk of Court, to the following payees in the amounts listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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Totals: \_\_\_\_\_

☐ Restitution amount ordered pursuant to plea agreement \_\_\_\_\_

☐ The defendant organization shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant organization does not have the ability to pay interest and it is ordered that:

☐ The interest requirement is waived for the. ☐ fine ☐ restitution.

☐ The interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT ORGANIZATION: P & S FOODS  
CASE NUMBER: 3S-4:02CR529 CDP  
District: Eastern District of Missouri

### SCHEDULE OF PAYMENTS

Having assessed the organizations's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☐ Lump sum payment of \_\_\_\_\_ due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
☐ in accordance with ☐ C, ☐ D below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D below; or
- C ☐ Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \_\_\_\_\_ over a period of \_\_\_\_\_ e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Special instructions regarding the payment of criminal monetary penalties:

IT IS FURTHER ORDERED that the defendant shall pay to the United States a fine of \$95,000.00, consisting of the following:

On count four, a fine of \$50,000.00.

On count five, a fine of \$45,000.00.

THESE FINES SHALL BE PAID IMMEDIATELY. The Restitution of \$211.32 is due, in full, immediately.

All criminal monetary penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several  
Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):

☐ The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:

Payments shall be applied in the following order: (1 ) assessment; (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest (6) community restitution.(7) penalties, and (8) costs, including cost of prosecution and court costs.



Defendant: P&S FOODS INC.  
Case Number: S3-4:02CR529 CDP

UNITED STATES MARSHAL  
RETURN OF JUDGMENT IN A CRIMINAL CASE

I have executed this judgment as follows:

\_\_\_\_\_

\_\_\_\_\_

The Defendant was delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

- ☐ The Defendant was released on \_\_\_\_\_ to \_\_\_\_\_ Probation
- ☐ The Defendant was released on \_\_\_\_\_ to \_\_\_\_\_ Supervised Release
- ☐ and a Fine of \_\_\_\_\_ ☐ and Restitution in the amount of \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

I certify and Return that on \_\_\_\_\_, I took custody of \_\_\_\_\_

at \_\_\_\_\_ and delivered same to \_\_\_\_\_

on \_\_\_\_\_ F.F.T. \_\_\_\_\_

U.S. MARSHAL E/MO

By DUSM \_\_\_\_\_